IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 1437 of 2005

Between:

M/s. Sri Sai Constructions, Rep. by its Managing partner,
Sri M.V.S. Krishnam Raju, Palkol, West Godavari District.

..... PETITIONER

AND

1 The Deputy Commissioner of Commercial Taxes, Vijayawada.
2 The Commercial Tax Officer, Palkol, West Godavari District.
3 The District Collector, West Godavari District, Eluru

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, Order or Direction of the like nature: a) Declaring the action of the 2nd Respondent in declining to take up the appeal petition and stay petition filed by the Petitioner Firm against the Assessment orders of the 1st Respondent pertaining to the Assessment Year 1999-2000 and 2000-2001 on the sole ground of non payment of admitted tax of Rs.3,25,394/- as illegal, arbitrary and without jurisdiction; b) Consequently direct the 2nd Respondent herein to take up the appeal petitions and stay petitions filed by the Petitioner firm by reopening the same and pass appropriate orders by considering all the grounds urged by the Petitioner firm in the said appeal petitions and to pass such other order or further orders

Counsel for the Petitioner :Mr.J.KANAKAIAH

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court at admission stage made the following :

ORDER: (per Sri Justice T.Ch.Surya Rao)

The learned counsel for the petitioner seeks leave to withdraw the writ petition with liberty to file fresh writ petition.

Leave granted and the writ petition is dismissed as withdrawn, with liberty as prayed for. No order as to costs.

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M.H.S.ANSARI, J.

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T.CH.SURYA RAO, J.

Dt: 09-03-2005.

RNS/AVS

To

1 The Deputy Commissioner of Commercial Taxes, Vijayawada.

2 The Commercial Tax Officer, Palkol, West Godavari District.

3 The District Collector, West Godavari District, Eluru

4 Two CCs to G.P.for Commercial Taxes, High Court of A.P.,

Hyderabad(OUT)

5 Two CD copies